REMARKS

The Office Action, mailed November 17, 2006, considered and rejected claims 21–28, 35–41 and 45–47 under 35 U.S.C. 102(e) as being anticipated by Farber et al., U.S. Patent no. 5,978,791 (filed November 2, 1999). The claims were also on the ground of nonstatutory double patenting over claims 1–33 of Ahmed et al., U.S. Patent No. 6,704,772 B1 (filed March 9, 2004) (hereinafter Ahmed) and under 35 U.S.C. 112, second paragraph, as purportedly being indefinite.[1]

By this response, claims 21, 35, and 45 are amended such that claims 21–28, 35–41, and 45–47 remain pending. Claims 21, 35, and 45 are the only independent claims which remain at issue. Support for the amendments to the claims may be found within Specification ¶¶ 13–23.[2]

With regard to the rejections made in view of Ahmed, it will be noted that a terminal disclaimer has been filed, thereby rendering the double-patenting rejections moot. It will also be noted that the § 112 rejections are now moot in view of the amendments to the claims, by amending or deleting the term "may" and by making the claim language more definite.

The present invention is directed generally toward a way of reducing the computing resources necessary to deliver electronic messages and replies to electronic messages to recipients. Claim 21 recites, for instance, and in combination with all the elements of the claim, a method of assigning a unique identifier to a message, using the identifier to associate one or more replies to the message with the message, storing only a single copy of the message which is enabled to be shared by a number of recipients, and storing a single copy of replies to the message which are enabled to be shared and accessed by each of a plurality of intended recipients. Claim 35 recites, in combination with all the elements of the claim, a system using processor means for uniquely identifying messages, associating replies with the message, storing a single copy of the message and a single copy of each reply to the message such that each of a number of recipients may share and access the single copy of the message and any replies.

---

[1] Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

[2] However, it should be noted that the Specification describes the invention and the claims take their support from the entirety of the Specification, not from any particular part.

Claim 45 recites a computer program product embodiment of a method similar to that claimed by claim 21.

The prior art reference cited by the Examiner, Farber et al., U.S. Patent No. 5,978,791 (filed Oct. 24, 1997),[3] in contrast, discloses a data processing system using substantially unique identifiers to identify data items whereby the identifiers depend on all of the data in the data item but only on the data in the data item.[4] Applicants agree that Farber discloses a method of assigning a unique identifier to a generic "data item."[5] However, Farber fails to teach or suggest electronic messages, replies to electronic messages, or associating replies with messages by using a unique identifier.[6] Farber also fails to teach or suggest the single copies of the associated messages and replies being enabled to be shared and accessed by a plurality of intended recipients.[7] A rejection under 35 U.S.C. § 102 requires that each and every element of the claim must be taught by the single prior art reference.[8] As pointed out above, Farber fails to teach or suggest all the elements of independent claims 21, 35, and 45 and, therefore, a rejection under 35 U.S.C. § 102 would be inappropriate.

The distinctions over Farber, noted above, notwithstanding, the Applicants have amended independent claims 21, 35, and 45 to more particularly point out the claimed subject matter. It should be noted that the amendments have been offered for purposes of clarification, not for purposes of patentability or to further distinguish the claims over the cited art, although the amendments may be found to further distinguish the claims from the cited art.

In view of the above discussion and in light of the amendments to the claims, Applicants respectfully submit that a rejection under 35 U.S.C. § 102 is not proper and should be withdrawn.[9]

---

[3] Office Communication p. 6 (Nov. 17, 2006).
[4] Farber col. 1 l. 1–18.
[5] *See, generally*, Farber.
[6] *See* claims 21, 35, & 45; *see, generally*, Farber.
[7] *See* claims 21, 35, & 45; *see, generally*, Farber.
[8] MPEP § 2131; *see also Verdegaal Bros. v. Union Oil Co. of Calif.*, 814 F.2d 628, 631 (Fed. Cir. 1987).
[9] It will also be noted, in view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 17th day of January, 2007.

Respectfully submitted,

RICK D. NYDEGGER
Registration No. 28,651
JENS C. JENKINS
Registration No. 44,803
Attorneys for Applicant
Customer No. 47973

RDN:JCJ:TMB
KJN0000002428V001

supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.